

## § 158.190

paragraph (a) or (b) of this section, an application for a new Certificate of Adequacy may be submitted under § 158.140.

### § 158.190 Appeals.

(a) Any person directly affected by an action taken under this part may request reconsideration by the Coast Guard officer responsible for that action.

(b) Except as provided under paragraph (e) of this section, the person affected who is not satisfied with a ruling after having it reconsidered under paragraph (a) of this section may—

(1) Appeal that ruling in writing within 30 days after the ruling to the Coast Guard District Commander of the district in which the action was taken; and

(2) Supply supporting documentation and evidence that the appellant wishes to have considered.

(c) The District Commander issues a ruling after reviewing the appeal submitted under paragraph (b) of this section. Except as provided under paragraph (e) of this section, the person affected who is not satisfied with this ruling may—

(1) Appeal that ruling in writing within 30 days after the ruling to the Assistant Commandant for Marine Safety and Environmental Protection, U.S. Coast Guard, Washington, DC, 20593; and

(2) Supply supporting documentation and evidence that the appellant wishes to have considered.

(d) After reviewing the appeal submitted under paragraph (c) of this section, the Assistant Commandant for Marine Safety and Environmental Protection issues a ruling which is final agency action.

(e) If the delay in presenting a written appeal has an adverse impact on the operations of the appellant, the appeal under paragraph (b) or (c) of this section—

(1) May be presented orally; and

(2) Must be submitted in writing within five days after the oral presentation—

(i) With the basis for the appeal and a summary of the material presented orally; and

## 33 CFR Ch. I (7–1–01 Edition)

(ii) To the same Coast Guard official who heard the oral presentation.

[CGD 85–010, 52 FR 7761, Mar. 12, 1987, as amended by CGD 96–026, 61 FR 33668, June 28, 1996; CGD 97–023, 62 FR 33364, June 19, 1997]

### Subpart B—Criteria for Reception Facilities: Residues and Mixtures Containing Oil

SOURCE: CGD 78–035, 50 FR 36793, Sept. 9, 1985, unless otherwise noted.

#### § 158.200 General.

(a) Except as allowed in paragraph (b) of this section, the facility used to meet Regulation 12 of Annex I to MARPOL 73/78 must—

(1) Be a reception facility as defined under § 158.120 that is available at the port or terminal;

(2) Hold each Federal, State, and local permit and license required by environmental laws and regulations concerning residues and mixtures containing oil; and

(3) Be capable of—

(i) Receiving residues and mixtures containing oil from oceangoing ships within 24 hours after notice by that ship;

(ii) Completing the reception of oily ballast from the ship in less than 10 hours after waste transfer operations begin; and

(iii) Completing the reception of other residues and mixtures containing oil in less than 4 hours after the transfer operation begins.

(b) Reception facilities for ship repair yards do not have to meet paragraphs (a)(3)(i) through (a)(3)(iii) of this section, but must be capable of completing transfer of residues and mixtures containing oil from each oceangoing ship before the ship departs from the ship repair yard.

[CGD 78–035, 50 FR 36793, Sept. 9, 1985, as amended by CGD 85–010, 52 FR 7764, Mar. 12, 1987]

#### § 158.210 Ports and terminals loading crude oil.

The reception facility for a crude oil loading port or terminal must have the capacity for receiving—

## Coast Guard, DOT

## § 158.240

(a) Sludge from on-board fuel and lubricating oil processing in the amount of 10 metric tons (11 short tons);

(b) Oily bilge water in the amount of 10 metric tons (11 short tons) or 2 metric tons (2.2 short tons) multiplied by the daily vessel average, whichever quantity is greater; and

(c) Oily ballast in the amount of 30% of the deadweight tonnage of the largest of the oceangoing tankers loading crude oil at the port or terminal that do not have clean ballast tanks (CBT), segregated ballast tanks (SBT), or crude oil washing (COW) meeting Part 157 of this subchapter, multiplied by one or the daily vessel average, whichever quantity is greater.

[CGD 78-035, 50 FR 36793, Sept. 9, 1985, as amended by CGD 85-010, 52 FR 7764, Mar. 12, 1987]

### **§ 158.220 Ports and terminals loading more than 1,000 metric tons of oil other than crude oil or bunker oil.**

The reception facility for an oil loading port or terminal that loads a daily average of more than 1,000 metric tons (1,100 short tons) of oil other than crude oil or bunker oil to oceangoing tankers must have the capacity for receiving—

(a) Sludge from on-board fuel and lubricating oil processing in the amount of 10 metric tons (11 short tons);

(b) Oily bilge water in the amount of 10 metric tons (11 short tons) or 2 metric tons (2.2 short tons) multiplied by the daily vessel average, whichever quantity is greater;

(c) Oily ballast in the amount of 30% of the deadweight tonnage of the largest of the oceangoing tankers loading oil other than crude oil or bunker oil, at the port or terminal, that do not have CBT or SBT meeting Part 157 of this chapter, multiplied by one or the daily vessel average, whichever quantity is greater; and

(d) Cargo residue in the amount of 0.2% of the total cargo capacity of the largest of the oceangoing tankers loading oil other than crude oil or bunker oil, at the port or terminal, multiplied by one or the daily vessel average, whichever quantity is greater.

[CGD 78-035, 50 FR 36793, Sept. 9, 1985, as amended by CGD 85-010, 52 FR 7764, Mar. 12, 1987]

### **§ 158.230 Ports and terminals other than ports and terminals under §§ 158.210, 158.220, and 158.240.**

Reception facilities for ports and terminals other than those under §§ 158.210, 158.220, and 158.240 of this subpart and those that are used exclusively by non-self-propelled tank barges, must have the capacity for receiving—

(a) Sludge from on-board fuel and lubricating oil processing in the amount of 10 metric tons (11 short tons), or 1 metric ton (1.1 short tons) multiplied by the daily vessel average, whichever quantity is greater; and

(b) Oily bilge water in the amount of 10 metric tons (11 short tons) or 2 metric tons (2.2 short tons) multiplied by the daily vessel average, whichever quantity is greater.

[CGD 78-035, 50 FR 36793, Sept. 9, 1985, as amended by CGD 85-010, 52 FR 7764, Mar. 12, 1987]

### **§ 158.240 Ship repair yards.**

The reception facility that services oceangoing ships using a ship repair yard must have a capacity for receiving—

(a) An amount of ballast from bunker tanks, and the wash water and residues from the cleaning of bunker tanks and sludge tanks, equal to 8% of the bunker capacity of the largest oceangoing ship serviced;

(b) An amount of oily solids from cargo tanks equal to 0.1% of the deadweight tonnage of the largest oceangoing tanker serviced;

(c) An amount of oily ballast water and wash water from in-port tank washing equal to—

(1) 1,500 metric tons (1,650 short tons), or;

(2) 4½% of the deadweight tonnage of the largest oceangoing tanker serviced; and

(d) An amount of liquid cargo residues based on the following percentages of deadweight tonnage of the largest oceangoing tanker serviced:

(1) For crude oil oceangoing tankers, 1%.

(2) For black product oceangoing tankers, 0.5%

(3) For white product oceangoing tankers, 0.2%

## **§ 158.250**

### **§ 158.250 Standard discharge connection.**

Each reception facility that received oily bilge water must have a standard discharge connection that—

- (a) Meets §155.430 of this subchapter; and
- (b) Attaches to each hose or pipe that removes oily bilge water from ocean-going ships.

[CGD 78-035, 50 FR 36793, Sept. 9, 1985]

### **Subpart C—Criteria for Certifying That a Port's or Terminal's Facilities Are Adequate for Receiving NLS Residue**

SOURCE: CGD 85-010, 52 FR 7764, Mar. 12, 1987, unless otherwise noted.

#### **§ 158.300 Purpose.**

The purpose of this subpart is to supply the criteria needed for ports and terminals under §158.110 used by ocean-going ships carrying NLS cargo or NLS residue to meet Regulation 7 of Annex II to MARPOL 73/78.

#### **§ 158.310 Reception facilities: General.**

(a) Except as allowed in paragraph (b) of this section, each reception facility, in order to pass the inspection under §158.160, must—

- (1) Be a reception facility as defined under §158.120;
- (2) Be available at the port or terminal;
- (3) Meet the requirements of §158.320;
- (4) Hold each Federal, State, and local permit and license required by environmental laws and regulations concerning NLS residue;
- (5) Be capable of receiving NLS residue from an oceangoing ship within 24 hours after notice by that ship of the need for reception facilities; and
- (6) Be capable of completing the transfer of NLS residue within 10 hours after the transfer of NLS residue begins.

(b) A reception facility for a ship repair yard does not have to meet the requirements of paragraphs (a)(5) and (a)(6) of this section if it is capable of completing transfer of NLS residue from an oceangoing ship before the ship departs from the yard.

## **33 CFR Ch. I (7-1-01 Edition)**

### **§ 158.320 Reception facilities: Capacity, and exceptions.**

(a) Except as allowed in paragraph (b) of this section, each day the port or terminal is in operation, the port or terminal must have a reception facility that is capable of receiving—

(1) 75 cubic meters (19,810 gallons) of NLS residue for each regulated NLS cargo that is a solidifying Category A NLS; or

(2) 50 cubic meters (13,210 gallons) of NLS residue for each regulated NLS cargo that is not a solidifying Category A.

(b) The port or terminal need only meet §158.330 if it is used by ships that only transfer Category B or C NLS cargoes that are not high viscosity or solidifying Category B or C NLSs.

(c) For each category of NLS cargo carried on a ship, each day a ship repair yard is in operation and being used by a ship that must discharge NLS residue in order to proceed with repair work, the ship repair yard must have a reception facility that is capable of receiving—

(1) 50 cubic meters (13,210 gallons) of NLS residue that contains a—

- (i) Category A NLS that is not a solidifying NLS;
- (ii) Category B NLS; or
- (iii) Category C NLS; or
- (iv) Category D NLS; or

(2) 75 cubic meters (19,810 gallons) of NLS residue that contains a Category A NLS that is a solidifying NLS cargo.

#### **§ 158.330 Ports and terminals: Equipment.**

Each port and terminal except ship repair yards, in order to pass the inspection under §158.160, must—

(a) At mean low tide and with the ship's manifold 10 feet above the surface of the water, be capable of receiving Category B or C NLS cargo during the stripping operations at an average flow rate of 6 cubic meters (1584 gallons) per hour without the backpressure at the ship's manifold exceeding 101.6 kPa (14.7 pounds per square inch gauge) pressure; and

(b) Have an instruction manual that lists the equipment and procedures for meeting paragraph (a) of this section. The instruction manual may be made